

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

JUSTIN CORNELL,
Petitioner,

v.

Civil No. 3:21cv593 (DJN)

DIRECTOR, DEPARTMENT
OF CORRECTIONS,
Respondent.

FINAL ORDER
(Denying Motion to Dismiss)


In accordance with the accompanying Memorandum Opinion, it is hereby ordered that:

1. The Amended Motion to Dismiss (ECF No. 23) is GRANTED;
2. The action is DISMISSED WITHOUT PREJUDICE;
3. A certificate of appealability is DENIED; and,
4. The Clerk is hereby DIRECTED to enter a final appealable Judgement in a Civil Case in favor of Respondent as a separate entry on the docket.

Cornell does not request, and the Court does not grant, leave to amend, rendering this Order final and appealable. *See Britt v. DeJoy*, 45 F.4th 790, 796 (4th Cir. 2022) (holding that an order dismissing a case without leave to amend is final and appealable). Should Cornell desire to appeal, a written notice of appeal must be filed with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a notice of appeal within that period may result in the loss of the ability to appeal.

Let the Clerk file a copy of the Order electronically and send a copy to Cornell and all counsel of record.

It is so ORDERED.

/s/ 
David J. Novak
United States District Judge

Richmond, Virginia
Dated: December 16, 2022